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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,597	12/05/2001	John Ernest Elwart		2908

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John Ernest Elwart  
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EXAMINER

DEBERADINIS, ROBERT L

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,597

Applicant(s)

ELWART, JOHN ERNEST

Examiner

Robert DeBeradinis

Art Unit

2836

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over MICHE 5,742,235 in view of BECKMAN 3,501,745.

Regarding claim 1.

MICHE discloses a coilless relay (abstract);

A singular pole (4a) movable horizontally disposed relay bar(2) and a notched portion in relay bar provided to fit into (base 3);

A weight (1) connectably fastened to said relay bar;

Means for providing weight for movement in earthquake or violent shock;

A spring connectably fastened to relay bar and fastened to base (3);

Means to provide resistance to said weight and to provide response in earthquake of violent shock;

MICHE does not disclose a frame housing extending horizontally as a base portion and extending vertically connectably to an upper portion in such a manner as to support the upper members and a notched portion in said assembly to enable the connection of the upper members to frame;

A grommet, insertably connected to hole in relay bar and a grommet insertably connected to hole in frame housing;

Means to electrically insulate spring from frame housing and relay bar;

A hole disposed in notched end of relay bar;

A hole disposed in frame housing;

Means to insert said grommets at both points to engage said spring;

An extruded outwardly projecting vertical frame portion of frame housing extending horizontally from same frame as one unitary part;

Means for providing a connection point for spring and said grommet.

BECKMAN discloses a frequency selective resonant reed detector. The resonant reed unit 10 includes a base member and a cover both of plastic or similar non-conductive material, the base and cover combine to form a housing for the various internal components of the unit. BECKMAN however is silent as to grommets. The Examiner takes official notice the use of grommets is well known in the art of electronic housing fabrication to insulate or protect conducting devices from sharp edges in a housing assembly.

It would have been obvious to one having ordinary skill in the art at the time of this invention to merely arrange a shock actuated electric relay into a housing. The motivation would be to provide an enclosed self contained seismic switch that could be connected to external devices (MICHE, figure 7).

Regarding claim 2.

The above references disclose wherein the relay is a coilless relay.

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Regarding claim 3.

The above references disclose wherein the relay bar is a single pole relay bar.

Regarding claim 4.

MICHE discloses wherein the relay bar is connectably fastened to a weight (1).

Regarding claim 5.

MICHE in view of BECKMAN disclose the shock actuated electric relay

comprising;

means to adjust the sensitivity of the device for response in an earthquake

or violent shock;

means provided by relay as a coilless relay.

MICHE in view of BECKMAN does teach a contactor assembly consisting of four contactors whereby in an electrified state do not make contact with the relay bar.

It would have been obvious to one having ordinary skill in the art to merely duplicate the relay configuration disclosed by MICHE to form a contactor assembly consisting of four contactors. The motivation would be to provide four seismic switches to respond to four different sensitivity levels of vibration.

Any inquiry concerning this communication should be directed to Robert L.

DeBeradinis whose number is (703) 306- 5857. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (703) 308-31190. The Fax phone number for this Group is (703) 308-7722.

RLD

JANUARY 6, 2004

A handwritten signature in cursive script, appearing to read "Robert R. Burch". The signature is written in black ink and is positioned below the date.